THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.1543 of 1996

27.7.2005

Between:

Anam Thirupathi Reddy, S/o.Rami Reddy, aged 55 years,

R/o.Karumanchi, Tangutur Mandal, Prakasam District.

… Petitioner

AND

1. The District Judge, Ongole, Prakasam District.

And another.

… Respondents

ORDER:

Second respondent filed a petition seeking eviction of the petitioner from its land under the provisions of A.P. (Andhra Area) Tenancy Act, *inter alia*, alleging that he committed default in payment of rent at Rs.650/- for the years 1981-82 and at the rate of Rs.1,500/- for 1982-83 and 1983-84, but paid rent at the rate of Rs.650/- only for those years and that he also sub-let the property to Kambhampati Veeraswamy. Petitioner contested the petition contending that he did not commit default and did not sub-let the property. After considering evidence adduced by the parties, the Tribunal, disbelieving the theory of sub-lease and the alleged enhancement of rent from Rs.650/- to Rs.1,500/-, directed eviction of the petitioner on the ground of his default in payment of rent for the year 1981-82 at the rate of Rs.650/-. The said order was confirmed by the appellate authority (District Judge). Hence this petition.

The contention of the learned Counsel for the petitioner is that since the case of the second respondent about non-payment of rent by the petitioner was disbelieved by the civil Court, both the Tribunal and the appellate authority erred in directing the eviction of the petitioner.

I am unable to agree with the above contention of the learned Counsel for the petitioner. The suit before the Civil Court was for recovery of arrears at the rate of Rs.1,500/- per year. The trial Court passed a decree for Rs.650/- for the year 1981-82 towards arrears of rent and that decree became final. So it is clear that petitioner did commit default in payment of rent for 1981-82. Since default in payment of rent is one of the grounds for eviction, I find no grounds to interfere with the orders of the authorities below, directing eviction of the petitioner.

The writ petition is dismissed. No costs.

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(**C.Y.SOMAYAJULU, J**)

July 27, 2005.

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